

Board of Cosmetologist Examiners

October 7, 2013 Board Meeting Minutes

9:00 AM to 11:00 AM

Conference Room A, University Park Plaza
2829 University Ave SE, Minneapolis, MN 55414

Present at Meeting:

Laurie Boggess, Chair	Gina Stauss Fast, Executive Director
Kurt Deile, Member	Diane DelaBarre, Assistant Executive Director
Robert Salmonson, Member	Billi Jo Jones, Licensing and Inspection Divisions Manager
Mary Finnegan, Member	Rebecca Gaspard, Compliance
Michele Owen, Attorney	Jenna Bohl, Licensing Specialist
	Catrina Mairose, Licensing Specialist
	Sarah Gruber, Assistant to the Executive Director

I. *Call to Order*

LB: Called meeting to order at 9:06 AM.

II. *Approval of Proposed Agenda*

KD: Made a motion to pass the proposed agenda with flexibility.

BS: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

LB and GSF: Added rulemaking update and administrative report to agenda.

III. *Approval of Minutes*

MF: Made a motion to approve the minutes from the July 2013 Board Meeting.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

IV. *New Business*

A. *Waiver—Amanda Elles*

CM: AE requested a waiver of Rule 2110.0690 which requires license applicants to pass examination and be licensed within a period of not more than three years from completion of training. She claimed medical hardship based on an ongoing learning disability and on becoming a caregiver for her ill mother.

Discussion; Comments from AE.

MF: Made motion to grant the waiver, based on medical hardship, to grant AE an extension for her training hours and practical exam. She must submit an Initial Operator License with necessary materials by 10/31/2014 and is allowed to use her hours and Certificates of Skills and Course Completion which are greater than three years old.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

B. Waiver—Jennifer Batters

CM: Jennifer Batters requested a waiver of MN Rule 2105.0360(6) which requires that a salon has clean, hot, and sanitary running water provided in the work area. JB's manicurist salon does not have a sink in the work area and she wishes to use the adjacent bathroom sink as a qualifying sink in her work area.

Discussion; Comments from JB stating the sink is less than four feet from the work area.

KD: Motion to grant the waiver to allowing JB's bathroom sink to qualify as her work area sink with the condition that this waiver only applies to her ownership of the current salon. If the salon is sold or remodeled, this waiver cannot be transferred.

MF: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

C. Waiver—PCI Academy (Mary Lokken)

CM: Mary Lokken, on behalf of PCI Academy and it's students, requested a waiver of MN Rules 2110.0370(2) and 2110.0340(B) which state that no cosmetology school shall be permitted to operate without a license and that operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the Board. PCI began training students on 6/25/2013 and did not receive their school license until 8/6/2013.

Discussion; Comments from ML.

BS: Made motion to grant waiver based on the hardship request.

MF: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

D. Waiver—Jennifer Christensen

CM: Jennifer Christensen requested a waiver of Rule 2015.0210(2), which requires individuals to reactivate an inactive license by providing documented work experience of 400 hours per each year of their license cycle, or a total of 1800 hours within the license cycle, or by taking a 40 hour refresher course. Jennifer claimed medical hardship due to her son's chronic illness, and her own trauma following. She worked a total of 955 hours in her recent license cycle.

Discussion.

MF: Made motion to approve JC's waiver request due to medical hardship to let her reactivate her manager license with the hours that she has accrued.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

E. Waiver—Carla Becker

CM: Carla Becker requested a waiver of Rule 2105.0200(2.A), which requires individuals to renew an active license by providing documented work experience of 400 hours per each year of their license cycle, or a total of 1800 hours within the license cycle, or by taking a 40 hour refresher course. CB claims medical hardship due to an ongoing medical condition, as well as a surgery in 2012 and the complications that followed.

Discussion.

KD: Made motion to deny waiver request based on the lack of hours accrued during her license cycle.

MF: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

F. Waiver – Carol Einwalter

CM: Carol Einwalter requested a waiver of Rule 2105.0140, which states that to be licensed as a salon manager an applicant must provide documentation of at least 2,700 hours of licensed practice within the three years prior to application. CE claims hardship based on the lack of employment opportunities in her region. In the past six years, she has taken two refresher courses in Minnesota and provided cosmetology services on a volunteer basis only.

Discussion.

BS: Made motion to grant waiver request with the condition that CE meets all other application requirements.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

G. Waiver—Francoise Leger

CM: Francoise Leger requested a waiver of Rule 2110.0130(4) which states that a passing exam score is valid for 12 months. She completed the written exams for her instructor license on 4/20/2012 and 5/4/2012; she completed her practical exam on 8/8/2012. She claims hardship based on moving into a new home and wishing to have her license show her permanent address.

Discussion.

KD: Made motion to deny waiver request based on insufficient hardship.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

V. In-House Requests

H. Electronic Textbooks

CM: Several schools have expressed interest in providing students with textbooks in an electronic format. The BCE staff would like to know if the Board believes electronic textbooks are included as textbooks in MN Rule 2110.0410(3), "Instructional Materials."

Discussion.

KD: Motion to direct staff to include electronic textbooks within the definition of supplies and materials.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

Discussion and comment from public audience.

I. Waxing Implements

CM: BCE Staff would like clarification on what types of wax pots or implements can be used in a salon. Inspectors have found roller wax pots in which wax is warmed in a tube, then the applicator is placed on a person's skin as one piece rolls into the wax to place the wax on the skin.

Discussion and comment from public audience.

KD: Made motion to direct staff to define roller wax pots as not being single-use, single-application implements. Thus, these implements do not meet Board requirements.

LB: Called for break at 10:00 AM.

LB: Called to order at 10:13 AM.

VI. Old Business

J. Rules

RG: Gave update on rulemaking process. Most rules that were proposed at the July 2013 Board meeting will need to go through a formal rule-making process, rather than the current, exempt rule-making process. A new, un-interpreting, version of the new rules has been submitted to the ALJ for review and we are awaiting response. The previous rules are moved to the formal rule-making process docket which can begin once the exempt rule-making process is finished.

Discussion.

GSF: Commented on definition of professional association. GSF recommends that rather than delegating the BCE staff to implement the definition of "Board-approved professional association," any professional associations wishing to offer the new CE course should come before the Board to gain Board approval.

Jim Hirst of MN Salon & Spa Professional Association: Suggested that the Board retroactively approve courses provided by professional associations that will be approved.

K. Medical Esthetician Task Force

GSF: The Medical Esthetician Task Force has begun to create the definition of an advanced esthetician license. They have addressed several definitions and assumptions such as advanced esthetics, an Advanced Practice Esthetician License, an Advanced Practice Esthetician Course, etc. The task force also addressed requirements and implementations of these new definitions and ideas for licensure. The group is

continuing to meet and once there is a clear idea, it will begin working with the legislature.

Discussion.

Judy Garcia, member of the Medical Esthetician Task Force: Spoke on the importance of licensing individuals who are working as medical estheticians, protecting the public, and the operators.

Discussion.

L. Administrative Report

GSF: Spoke of Governor's office request of legislative changes that the BCE would like made during the "Uncession." The first idea was increasing Board membership to 7 to include a nail technician and an esthetician; this is something that will need to be discussed in the December Board meeting. The second was state authorization, which refers to stating in our laws and rules that cosmetology schools are post-secondary institutions so that they may receive federal funding.

Discussion.

GSF: Gave updates on BCE activity and NIC Conference attendance. Also commented on the BCE attending the InSalon expo and the "I Promise" campaign asking operators to promise to practice safe cosmetology, protect themselves and the public, and protect the integrity of the profession.

Discussion.

M. Compliance Division Report

DD: Noted that DD has taken over managing compliance work-flow, RG is handling public-filed complaints and the rule-making docket. Claudia Ettesvold has transferred to this division; she and Lene Kiser handle Board-filed complaints. The active caseload is about 160 cases. CE and LK went to advanced training. There have been two Complaint Committee meetings since the last Board meeting and the next will be in November.

N. Licensing Division Report

BJ: Gave information on licenses issued. In 2013, 2,551 licenses have been issued, putting the total number of licenses issued at 40,379. Two new staff were hired, Catrina Mairose and Matt Simonson. BJ has also taken over Inspection Division.

O. Inspection Division Report

BJ: Gave information on Inspection Division and her new task of managing it; she will be looking at the entire inspection process from pulling the inspectors' routes to reporting inspections to the Board. There has been a total 802 inspections from May to July.

GSF: Two new inspector openings have been approved. BJ and GSF will be taking a trip to Arkansas to gain insight into how other state boards manage inspections and inspectors.

VII. Adjournment

LB: Adjourned the meeting at 11:20 AM.